

FEITLIN, YOUNGMAN, KARAS & GERSON, L.L.C.

Counsellors at Law
9-10 Saddle River Road
Fair Lawn, New Jersey 07410
(201) 791-4400
Fax # (201) 791-5659

Please Reply to Fair Lawn Office

GARY R. FEITLIN *
JEFFREY R. YOUNGMAN
KATHY KARAS-PASCIUCCO**
FREDERICK E. GERSON
CATHERINE E. YOUNGMAN **, Of Counsel
ANDREW J. KARAS **, Of Counsel
ANDREW LIPUT ■, Of Counsel
SEYMOUR M. KARAS, Retired
* ALSO MEMBER OF FLORIDA BAR
** ALSO MEMBER OF NEW YORK BAR
■ ALSO MEMBER OF NY, CT & NC BARS

Boonton, NJ Office
408 Main Street
Boonton, New Jersey 07005
(973)883-0333
Writers Email: fgerson@fyky.com

June 10, 2011

Fax 973 645-2558

Honorable Jose L. Linares
US District Court
Martin Luther King, Jr. Federal Bldg
Room 5054
50 Walnut Street
PO Box 999
Newark, New Jersey 07101-0999

Re: GMAC Mortgage, LLC v. Karen and Ariel Barel
Docket No.: 2:11CV3329-JLL

Dear Judge Linares:

Please be advised that the undersigned represents Atlantic Stewardship Bank, an improperly pled third party defendant in the above captioned matter. I understand that you do not normally accept faxed correspondences. However, Mariel provided me with "special permission" to fax this correspondence to Your Honor. Thank you for considering this matter.

GMAC Mortgage, LLC, filed a foreclosure action in Passaic County Court on or about September 23, 2008. Plaintiff and defendant apparently entered into a forbearance agreement and the matter was dismissed, without prejudice, on or about December 2, 2008.

After defendant apparently failed to abide by the terms of the forbearance agreement, on or about August 6, 2010, plaintiff filed a Motion to Reinstate the Complaint. On September 16, 2010, the matter was reopened.

Improperly pled third party defendant, Atlantic Stewardship, and plaintiff, GMAC Mortgage,

have filed motions to dismiss. These motions to dismiss were to be returnable today, June 10, 2011 before the Honorable Margaret Mary McVeigh. Oral argument was scheduled for this morning at 11:45 a.m. Moreover, a trial is scheduled for this matter before Judge McVeigh on June 13, 2011.

However, on June 9, 2011, the pro se defendants, Karen and Ariel Barel, filed a Notice of Removal to Federal Court. This Notice of Removal was obviously filed in a misguided attempt to avoid the Motions to Dismiss and avoid the trial scheduled for this Monday.

FRCP 28 §1446(b) provides that a Notice of Removal in a Civil Action shall be filed within thirty (30) days after the receipt by the defendant of the initial pleading. Based on the above, it is evident that the Notice of Removal is improper. It is further obvious that the Notice of Removal was filed to avoid the pending Motion to Dismiss and pending trial.

I am inquiring as to whether the Court would sua sponte reject to the Notice of Removal or whether a Motion to Remand will be necessary. I have just been informed that today's hearing and Monday's trial are adjourned pending the outcome of the removal notice.

Thank you for your attention to this matter.

Respectfully submitted,

FEITLIN, YOUNGMAN, KARAS &
GERSON, LLC


Frederick E. Gerson

FEG:tw

cc: Honorable Margaret Mary McVeigh (Fax: 973-247-8172)
Karen Barel & Ariel Barel, Pro Se (Fax: 973-547-3347)
Sonya Chazin, Esq. (Via Fax: 856-813-5501)